

Senate Resolution 280

By: Senators Johnson of the 1st, Smith of the 52nd, Thomas of the 54th, Staton of the 18th, Adelman of the 42nd and others

ADOPTED SENATE

A RESOLUTION

1 Creating the Senate Study Committee on Rights Relating to Reproductive and Genetic
2 Technology; and for other purposes.

3 WHEREAS, sophisticated reproductive technology has made it possible to preserve eggs,
4 sperm, and embryos to be used at a later date; and

5 WHEREAS, a large amount of genetic material, donated by men suffering from cancer or
6 heading off to war, is now being deposited in cryogenic storage banks for future use; and

7 WHEREAS, healthy sperm can even be extracted after a man's death, frozen for years, and
8 then used to conceive a child; and

9 WHEREAS, because of such new technologies, property rights issues have been raised
10 relating to the ownership rights of embryos in divorce actions; and

11 WHEREAS, questions have also arisen relating to whether a deceased donor of sperm or
12 eggs should be recognized as a parent or whether children produced by using frozen sperm
13 or eggs after a parent has died can claim inheritance rights or be entitled to life insurance
14 proceeds or Social Security benefits; and

15 WHEREAS, there is a need to examine these issues to determine if legislative action is
16 needed to ensure that property rights and other rights are defined and protected, including
17 whether legislation should be proposed in areas including, but not limited to, advanced
18 written directives prior to the creation of embryos; the creation and treatment of embryos
19 unneeded for fertility treatment or reproductive purposes; the treatment of embryos in the
20 event of divorce or death involving a couple that has donated eggs or sperm or had embryos
21 in vitro fertilized; the treatment of unused embryos, including storage, disposal, research, and
22 adoption; the ethics of the use of unused embryos in scientific research; and property rights

1 relating to biometric information, such as DNA, retinal scans, and information from
2 implanted microchips.

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that there is created the Senate
4 Study Committee on Rights Relating to Reproductive and Genetic Technology to be
5 composed of seven members of the Senate. The chairpersons of the Senate Judiciary
6 Committee, Senate Health and Human Services Committee, and Senate Science and
7 Technology Committee shall each be a member, and the other four members shall be
8 appointed by the Lieutenant Governor. The Lieutenant Governor shall designate one of the
9 members of the committee to serve as chairperson of the committee. The chairperson shall
10 call all meetings of the committee.

11 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
12 needs, issues, and problems mentioned above or related thereto and recommend any actions
13 or legislation that the committee deems necessary or appropriate. The committee may
14 conduct such meetings at such places and at such times as it may deem necessary or
15 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
16 accomplish the objectives and purposes of this resolution. The members of the committee
17 shall receive the allowances authorized for legislative members of interim legislative
18 committees but shall receive the same for not more than five days unless additional days are
19 authorized. The funds necessary to carry out the provisions of this resolution shall come
20 from the funds appropriated to the Senate. In the event that the committee makes a report
21 of its findings and recommendations with suggestions for proposed legislation, if any, such
22 report shall be made on or before the convening of the 2008 session of the General
23 Assembly, at which time the committee shall stand abolished.